

PRISONER'S CIVIL RIGHTS COMPLAINT (Rev. 05/2015)

IN THE UNITED STATES DISTRICT COURT
FOR THE Southern DISTRICT OF TEXAS
Houston DIVISION

United States Courts
Southern District of Texas
FILED

AUG 19 2021

Johnathan Hunt # 360374
Plaintiff's Name and ID Number

Nathan Ochsner, Clerk of Court

Leeann T.S.F.
Place of Confinement

CASE NO. _____
(Clerk will assign the number)

v.

Director of TDCJ. Parole Division
Defendant's Name and Address

Director of TDCJ Institutional Division
Defendant's Name and Address

Parole officials: Henderson, McMillion
Defendant's Name and Address
(DO NOT USE "ET AL.")

INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the clerk of the United States district court for the appropriate district of Texas in the division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. If you are confined in the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), the list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate district court, the division and an address list of the divisional clerks.

FILING FEE AND *IN FORMA PAUPERIS* (IFP)

1. In order for your complaint to be filed, it must be accompanied by the statutory filing fee of \$350.00 plus an administrative fee of \$50.00 for a total fee of **\$400.00**.
2. If you do not have the necessary funds to pay the fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis*, setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six-month history of your inmate trust account. If you are an inmate in TDCJ-CID, you can acquire the application to proceed *in forma pauperis* and the certificate of inmate trust account, also known as *in forma pauperis* data sheet, from the law library at your prison unit.
3. The Prison Litigation Reform Act of 1995 (PLRA) provides "... if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." See 28 U.S.C. § 1915. Thus, the court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the court will apply 28 U.S.C. § 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your inmate trust account, until the entire \$350.00 statutory filing fee has been paid. (The \$50.00 administrative fee does not apply to cases proceeding *in forma pauperis*.)
4. If you intend to seek *in forma pauperis* status, do not send your complaint without an application to proceed *in forma pauperis* and the certificate of inmate trust account. Complete all essential paperwork before submitting it to the court.

CHANGE OF ADDRESS

It is your responsibility to inform the court of any change of address and its effective date. Such notice should be marked "**NOTICE TO THE COURT OF CHANGE OF ADDRESS**" and shall not include any motion for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

I. PREVIOUS LAWSUITS:

A. Have you filed any other lawsuit in state or federal court relating to your imprisonment? ☒ YES ☐ NO

B. If your answer to "A" is "yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)

1. Approximate date of filing lawsuit: 2020
2. Parties to previous lawsuit:
Plaintiff(s) Hunt, Johnathon
Defendant(s) Lumpkin, White, Reed, M.T.C.
3. Court: (If federal, name the district; if state, name the county.) Southern, Eastern
4. Cause number: 4:20-CV-4050, unknown Eastern
5. Name of judge to whom case was assigned: Rosenthal (Southern)
6. Disposition: (Was the case dismissed, appealed, still pending?) Still Pending
7. Approximate date of disposition: Unknown

II. PLACE OF PRESENT CONFINEMENT: Keegan's I.S.F.

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted all steps of the institutional grievance procedure?

☒ YES ☐ NO

Attach a copy of your final step of the grievance procedure with the response supplied by the institution.

IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: Johnathon Hunt # 560374
707 Top Street
Houston Tx 77002 - 0000

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: Director of Parole

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Refusing to revoke parole Denying mandatory Supervision

Defendant #2: Director of TDCJ Institutional Division

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Refusing to allow me the use of a law Library and
Refusing to house me with inmates of my class.

Defendant #3: Gail, Henderson, Natasha, McMillion

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

were deliberately indifferent to the abuses I made
known and pending due process

Defendant #4: _____

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Defendant #5: _____

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

I was given a 25 year Sentence in 1989. I earn time credits. (Good Time and work time) That serve to earn release from prison once the accumulated earned and served time equals 100% of my given sentence. In 9-2019 I was arrested for not following Instructions of a parole officer. At that time I told them I refuse parole, That hearing led to a vote to send me to a substance abuse felony punishment facility. I refused to participate in that program and once again re-manded to be sent to prison (revoked) I was refused con-

VI. RELIEF:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

I want my parole revoked, I want a law library at ever ISF. Unit, I want my prison release gate money, I want class action Status. AND COMPENSATION FOR MY EARNED TIME

VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases.

Johnathon Hunt

B. List all TDCJ-CID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you.

510D374

VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? YES ☒ NO

B. If your answer is "yes," give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): N/A

2. Case number: N/A

3. Approximate date sanctions were imposed: N/A

4. Have the sanctions been lifted or otherwise satisfied? YES ☒ NO

Continually and suffered too many abuses to name here, but still was denied revocation and sentenced to an intermediate sanctioning facility. At this I.S.F. I am and have been denied access to my legal recourse. I came to this prison unit on about 7-9-2021. After reading the Joe Keegan I.S.F. unit orientation hand book that states "offenders may gain access to the law library by submitting an I-60 request form; I sent request after request and was finally informed that I would not be allowed to use this law library or any law library. I put in for a transfer to one of the many prison units in this area and was refused with the explanation that I was court sentenced to this unit and cannot be relocated. On 7-20-21 I was given another parole revocation hearing. I explained that I have served 32 years on a 25 year sentence and that my time credits exceed 100% of my given sentence and parole revocation would dictate immediate release to mandatory supervision. The next day 7-21-2021 Gail Henderson informed me that she and the parole board decided I should remain incarcerated at this unit. The Texas Department of Criminal Justice director is aware or should be aware that it is a violation of my constitutional rights to house me with known psychiatric patients, without protection and to deprive me of a full law library on any prison unit I'm assigned to. Also TDCJ. director knows or should know that once proof is provided of immediate need of access to a law library, I should be transferred immediately. The TDCJ Director knows or should know that imprisonment at an immediate sanctioning facility is still imprisonment.

Prisonment and every right and privilege afforded a T.D.L.J. inmate is or should be enjoyed at every facility and it is a violation of due process to deny without cause, any and all amenities. The director of parole knew or should have known that my time credits were earned and protected for the sole purpose of gaining my liberty from incarceration. The parole director knew or should have known that these ^{time} credits are inaccessible to me as long as the parole hinders that access. The parole director knew that the denial of parole revocation would deny release to mandatory supervision affectively denying me of every day good time and work time earned since 1989 in violation of due process. Parole officers Henderson and McMillion both were made aware of the intimate details of my situation during the parole hearing on 7-20-2021 and were deliberately indifferent, and both voted to keep me in this abusive situation even though they were aware of the abuses. The directors both parole and institutional are sued in their official capacities because they are responsible for training of every one under their authority. Henderson and McMillion are sued in there individual and official capacities because they both used there positions to hinder a Sudicious outcome with full knowledge that their action or there failure to act was a violation of my constitutional rights.

C. Has any court ever warned or notified you that sanctions could be imposed? YES ☒ NO

D. If your answer is "yes," give the following information for every lawsuit in which a warning was issued. (If more than one, use another piece of paper and answer the same questions.)

1. Court that issued warning (if federal, give the district and division): N/A
2. Case number: N/A
3. Approximate date warning was issued: N/A

Executed on: 8-12-2021
DATE

SOHNATHAN HUNT
Sohnathan Hunt
(Signature of Plaintiff)

PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand, if I am released or transferred, it is my responsibility to keep the court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions or appeals (from a judgment in a civil action) in a court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire filing fee and costs assessed by the court, which shall be deducted in accordance with the law from my inmate trust account by my custodian until the filing fee is paid.

Signed this 12TH day of AUGUST, 20 21.
(Day) (month) (year)

SOHNATHAN HUNT
Sohnathan Hunt
(Signature of Plaintiff)

WARNING: Plaintiff is advised any false or deliberately misleading information provided in response to the above questions may result in the imposition of sanctions. The sanctions the court may impose include, but are not limited to, monetary sanctions and the dismissal of this action with prejudice.

Sohnathan Hunt # 560374
Kregans
707 Sp Street
Houston Tx. 77002-0000

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Southern District of Texas
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Nathan Ochsner, Clerk of Court

United States District Court
Southern District of Texas
P.O. Box 61010
Houston Tx. 77208